

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RICHARD R. FURSTENAU,)	
)	
Plaintiff,)	Case No.: 07-CV-6143
)	
v.)	Judge Norgle
)	Magistrate Judge Brown
CITY OF NAPERVILLE, a municipal)	
Corporation; MICHAEL HULL, in his)	
individual and official capacity; DAVID)	JURY TRIAL DEMANDED
DIAL, in his official and individual)	
capacity; MICHAEL CROSS, in his)	
individual and official capacity;)	
PETER BURCHARD, in his official and)	
individual capacity; MARGO ELY,)	
in her individual and official capacity,)	
and JOE MATCHETT, in his individual)	
and official capacity.)	
)	
Defendants.)	

**DEFENDANTS MARGO ELY, JOE MATCHETT AND
PETER BURCHARD'S AGREED MOTION FOR LEAVE TO
FILE OVERSIZED BRIEF PURSUANT TO FRCP 7.1**

Defendants MARGO ELY and JOE MATCHETT, by and through their attorneys JAMES G. SOTOS & JOHN J. TIMBO of JAMES G. SOTOS & ASSOCIATES, P.C., and PETER BURCHARD, by and through one of his attorneys TERRY A. EKL of EKL WILLIAMS PLLC, and hereby move this Honorable Court, by agreement of Plaintiff's counsel, for leave to file an oversized brief in support of their joint motion to dismiss Plaintiff's third amended complaint, instant. In support thereof, Defendants state as follows:

1. Defendants Margo Ely, Joe Matchett, and Peter Burchard, through their respective counsel, filed a joint motion to dismiss Plaintiff's Third Amended Complaint and Memorandum

of Law in Support on March 4, 2008, to be heard on Friday, March 7th for the purpose of entering a briefing schedule.

2. The allegations against Defendant Joe Matchett are distinct from those alleged against Defendants Ely and Burchard and require a different legal analysis. In addition, counsel for Ely and Burchard have combined their respective arguments into one brief to reduce redundancy of argument. Defendants have attempted to thoroughly summarize their arguments on behalf of all three movants, but have been unable to do so under fifteen pages. Defendants' joint brief is twenty four (24) pages.

3. Plaintiff's counsel has no objection to the Defendants' filing of an oversized brief.

WHEREFORE, Defendants MARGO ELY, JOE MATCHETT and PETER BURCHARD, respectfully request this Honorable Court grant the present motion, and allow the filing of Defendants' Memorandum of Law in Support of Their Motion to Dismiss Plaintiff's Third Amended Complaint, instant.

Dated: March 5, 2008

s/John J. Timbo
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Defendants*

CERTIFICATE OF SERVICE

The undersigned having first been duly sworn under oath, states that he electronically filed a complete copy of the foregoing **Defendants Margo Ely, Joe Matchett and Peter Burchard's Agreed Motion for Leave to File Oversized Brief Pursuant to FRCP 7.1** with the Clerk of the Court on March 5, 2008 using the CM/ECF system, which will send notification of such filing to the following counsel of record: John A. Sopuch, Aaron W. Rapier, Edward John Manzke, Shawn Michael Collins, Richard Thomas Sikes, Jr., Audrey Lane Brodrick and Terrence J. Sheahan.

s/John J. Timbo

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SERVICE LIST

**RICHARD FURSTENAU V. CITY OF NAPERVILLE, ET AL.
CASE NO.: 07-CV-6143**

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